



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 5839-99

28 February 2000

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C.1552

Encl: (1) DD Form 149 w/attachments

(2) Case Summary

(3) Subject's Naval Record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy, applied to this Board requesting, in effect, that his reenlistment code be changed.

2. The Board, consisting of Ms. Davies, Ms. Newman, and Mr. Tew reviewed Petitioner's allegations of error and injustice on 24 February 2000, and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Navy for four years on 27 May 1999 as an AN (E-3). The record reflects Petitioner had prior Army service from 21 September 1993 to 14 February 1997.

d. On 3 June 1999, Petitioner was diagnosed with having painful feet, and was diagnosed with limited motion between the heel bone and the one above it. Petitioner stated that he felt

he could not complete recruit training. The examining medical officer concurred and recommended an entry level medical separation, stating that Petitioner's condition was not correctable to meet Navy standards. However, the medical record reflects that Petitioner was granted a waiver to enlist with this condition.

e. On 9 June 1999, Petitioner was notified that separation processing was being initiated by reason of convenience of the government due to the foregoing physical condition. Petitioner was advised of his procedural rights, declined to consult with counsel, and waived his right to have the case reviewed by the general court-martial convening authority. On 10 June 1999 the discharge authority directed an uncharacterized entry level separation. Petitioner was so discharged on 15 June 1999 by reason of "failed medical/physical procurement standards" and assigned an RE-4 reenlistment code.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board notes Petitioner's prior Army service and the fact that aside from his painful feet, he had no problems during his short period of naval service. The Board believes that this condition does not warrant the assignment of the most restrictive reenlistment code of RE-4. The Board believes that he could have been separated by reason of erroneous enlistment with an RE-3E reenlistment code. Although this code is not authorized for the reason of "failed medical/physical procured standards", the Board believes that assignment of this code would be more appropriate in Petitioner's case. Accordingly, the Board concludes that it would be appropriate and just to change the reenlistment code to RE-3E.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 15 June 1999, to RE-3E. This should include the issuance of a new DD Form 214.

b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

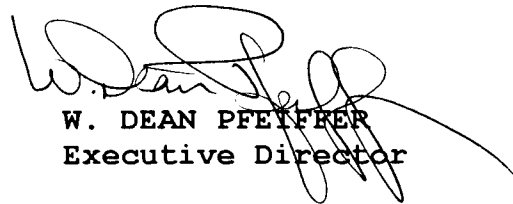
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder



ALAN E. GOLDSMITH  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6 (e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6 (e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER  
Executive Director